

VZCZCXRO7773
OO RUEHROV RUEHTRO
DE RUCNDT #0631/01 1980136
ZNY CCCCC ZZH
O 160136Z JUL 08
FM USMISSION USUN NEW YORK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4615
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUEHXX/ARAB ISRAELI COLLECTIVE IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 000631

SIPDIS
SENSITIVE

PLEASE PASS TO S, P, IO AND NEA FRONT OFFICES

E.O. 12958: DECL: 07/15/2018
TAGS: [PREL](#) [PTER](#) [PGOV](#) [KPAL](#) [KWBG](#) [IS](#) [PA](#)
SUBJECT: SETTLEMENTS UNSCR: FRANCE AND UK TO PROPOSE
ALTERNATE TEXT WITHIN EXPANDED DRAFTING GROUP

REF: USUN 626 AND PREVIOUS

Classified By: Ambassador Zalmay M. Khalilzad, per 1.4 (b) and (d).

11. (U) This is an action request. Please see para 5.

12. (C) P-3 Ambassadors met in the evening of July 15 to discuss a response to the Arab draft resolution condemning Israeli settlements. French Amb Ripert reported that earlier in the day Qatari Amb Nasser had agreed, on behalf of the Arab Group, to participate in a French-led drafting group to reach a comprehensive resolution on the Israeli-Palestinian conflict. But Nasser had argued that the group should include two other Arab states besides Libya. P-3 Ambassadors agreed that adding other Arabs could help to moderate Libyan obstructionism, and decided that the group could consist of the U.S., UK, France, Russia, Indonesia, Burkina Faso, Libya, Qatar, and another Arab country. They agreed with Amb Khalilzad that the Palestinians could not serve as the other Arab delegation, because Israel would then have to be invited, and suggested Mauritania (as the chair of the Arab Group) as an alternative. They also said the actual drafting of the text would remain a prerogative of the UNSC members in the group, with the other Arab countries acting in an advisory role. P-3 Ambassadors agreed that the first meeting of the drafting group could take place at the Ambassadorial-level at 5 pm on July 16. During this meeting, the French and UK Ambassadors would present an alternate text and solicit reactions from other Ambassadors, after which experts could meet to negotiate the details. The U.S. would then raise objections to certain parts of the text and propose additional language in order to ensure that the Arabs do not significantly water down the UK/French text.

13. (C) On substance, P-3 Ambassadors discussed the French "middle way" text shared with USUN on July 14 (contained in refel). Amb Khalilzad emphasized that the text was unacceptable because of its excessive focus on settlements and lack of attention to Palestinian obligations under the Roadmap. He argued that both preambular and operative paragraphs had to be balanced in their references to settlement activity and terrorism. After a lengthy discussion, in which Ripert insisted that a revised UK/French text could not look too similar to U.S. elements circulated to the UNSC during the last experts meeting and should contain enough of the Arab draft to keep them in the negotiations, he eventually agreed to several changes to the French draft pending approval from Paris. First, he added three preambular paragraphs on terrorism (expressing support for the calm reached in Gaza, reiterating that no cause can justify terrorism, and underscoring dismay at rocket attacks that have breached the calm). Second, he deleted the preambular reference to Israeli settlement measures having "no legal validity," despite agreed UNSCR language to that effect. Third, he used operative language on settlements and land confiscation that is generally consistent with the

Roadmap and recent Quartet statements. Fourth, he added a call on the Palestinian Authority to "dismantle the terrorist infrastructure," as well as to fulfill its commitments to fight terrorism.

14. (C) P-3 Missions agreed to send the ad referendum text back to capitals for review before circulating it during the Ambassadorial-level meeting of the drafting group on July 16.

After the meeting, the French expert told USUN that he was sure Paris would not/not agree to the ad ref draft because of the scaled-back language on settlements and tougher language on terrorism, but he acknowledged that his Ambassador had agreed to try to persuade Paris to go along in the interest of possibly avoiding a U.S. veto. Separately, the Libyan Mission called for a UNSC experts-level meeting at 10 am on July 16 to discuss the Arab draft UNSCR on settlements. Ripert said, pursuant to his discussion with Qatari PermRep Nasser, that he would try to have the Libyan meeting postponed, given the meeting of the drafting group later on July 16.

15. (C) ACTION REQUEST: As we have said before, France holds the key to this negotiation, because with French support (which would most likely lead to Belgian and Italian support) the Arabs have the nine votes they need to force a U.S. veto.

After considerable USG effort with the French here and in Paris, USUN believes that this ad referendum text represents the most we can get the French to endorse. If the drafting group begins working on this draft, our efforts will be aimed at ensuring this text is not significantly watered down, by proposing additional language as a negotiating tactic. If we succeed in this effort and get the Security Council to adopt

USUN NEW Y 00000631 002 OF 003

a resolution along these lines, we believe this outcome would be preferable to the U.S. vetoing the Arab draft. We plan to proceed along these lines unless we receive instructions to the contrary.

16. (SBU) The ad referendum draft discussed by P-3 Ambassadors is below:

The Security Council,

Recalling its resolutions 242 (1967) of 22 November 1967, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 497 (1981) of 17 December 1981, 904 (1994) of 18 March 1994, 1397 (2002) of 12 March 2002, and 1515 (2003) of 19 November 2003,

Recalling also the Quartet Road Map to a permanent two-State solution to the Israeli-Palestinian conflict,

Reaffirming its commitment to the two-State solution to the Israeli-Palestinian conflict, negotiated between the Israeli and Palestinian sides,

Expressing its continued support for efforts to restore calm to Gaza and southern Israel and welcoming the period of calm that began on 19 June 2008,

Underscoring its dismay at the rocket attacks launched against civilians in southern Israel since 19 June 2008, noting the condemnation of these attacks by the Palestinian Authority, and urging that the calm be respected in full,

Reiterating that no cause can justify any act of terror, regardless of its motivation, wherever, whenever, and by whomsoever committed,

Recalling the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which, inter alia, prohibits the occupying Power from transferring parts of its own civilian population to the territory it occupies, and reaffirming its applicability to the

Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967,

Reiterating that Israeli settlement policies and measures in the Palestinian Territories, including East Jerusalem, endanger the prospects for achieving the two-State solution in accordance with relevant United Nations resolutions and Middle East peace initiatives, including in particular the Road Map, the Arab Peace Initiative as well as the Annapolis Conference,

Reiterating the importance of achieving a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, the Madrid terms of reference and the principle of land for peace, and stressing the importance of the Arab Peace Initiative,

¶1. Welcomes progress made in negotiations by Israel and the Palestinian Authority aimed at realising the shared goal of an agreement on the establishment of a Palestinian state by the end of 2008, and calls upon the parties to continue to make every effort to realise that goal and to continue, in the interest of the promotion of peace and security, with their negotiations in the Middle east peace process according to its agreed terms of reference and the implementation of the agreements reached;

¶2. Underscores the urgent need for more visible progress on the ground in order to build confidence and support progress in the negotiations launched at Annapolis, Maryland on 27 November 2007;

¶3. Calls upon both sides to fulfill their obligations under the Road Map, and to refrain from any steps which could undermine confidence or prejudice the outcome of negotiations;

¶4. Expresses deep concern at the acceleration of Israeli settlement activities in the recent period, which serve to undermine the credibility of the ongoing diplomatic process;

¶5. Calls upon Israel to immediately and completely freeze all settlement activity including natural growth, dismantle outposts erected since March 2001, and to desist forthwith from the confiscation of further Palestinian land;

¶6. Condemns all attacks against civilians and calls for the

USUN NEW Y 00000631 003 OF 003

permanent cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction;

¶7. Calls upon the Palestinian Authority to fulfil its commitments, notably to fight terrorism, dismantle terrorist infrastructure, and rebuild its security apparatus, welcomes the progressive transfer of security responsibilities from Israel to the Palestinian Authority in certain areas of the West Bank, and further calls upon Israel and the Palestinian Authority to increase cooperation in that respect and to facilitate delivery of security assistance to the Palestinian Authority;

¶8. Underscores concern about humanitarian conditions in Gaza and, in this regard, welcomes Egyptian efforts to restore calm in a manner that would provide security to all Palestinians and Israelis, ensure the controlled and sustained opening of the Gaza crossings for humanitarian reasons and commercial flows, and work towards conditions that would permit implementation of the 2005 Agreement on Movement and Access;

¶9. Calls upon states, international organisations, and specialised agencies in a position to do so to continue to assist in the development of the Palestinian economy, to disburse the aid pledged at the Paris Conference, to maximise the resources available to the Palestinian Authority, and to contribute to the Palestinian institution-building programme

in preparation for statehood, as well as to continue to provide humanitarian assistance to Palestinians;

¶10. Decides to remain seized of the matter.
Khalilzad